

## **Remarks**

Claims 1-24 remain pending in the application and stand rejected. Claims 1 and 9 are amended herein. The Assignee respectfully traverses the rejections and requests allowance of claims 1-24.

### **Claim Amendments**

The preamble of claim 1 is amended to indicate that the claimed method is for “operating a Remote Monitoring (RMON) management system....” Similarly, the preamble of claim 9 is amended to refer to “[a] software product for managing a Remote Monitoring (RMON) system....” The current application supports these amendments at page 41, line 4, to page 42, line 30. More specifically, the operations described therein involve management of an RMON system, such as that shown in Fig. 22, which includes in that particular case an RMON probe 2210, a NetScout Manager 2220 and an RMON database 2230. (Page 41, lines 5-7.) Figs. 23 and 24 provide an example of one specific system and method for managing such an RMON system, as provided by way of an RMON interface system 2310 shown in Fig. 23.

### **Claim Rejection Under 35 U.S.C. § 112**

Claims 1, 9 and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Assignee regards as the invention. (Page 4 of the Office action.) Generally, the Office action indicates that the claim limitations relating to the generation and transmission of instructions to request RMON information, and the subsequent reception and storage of that information, lacks relevance to the preambles of those claims (i.e., “[a] method of operating a performance management system,” “[a] software product for operating a probe device for testing a broadband wireless system,” and “[a] Remote Monitoring (RMON) management system”). (Pages 4 and 5 of the Office action.)

In response, the preambles of claims 1 and 9 are amended herein to refer to “[a] method of *operating a Remote Monitoring (RMON) management system*,” and “[a] software product for *managing a Remote Monitoring (RMON) system*. (Emphasis supplied.) Thus, the amended preambles of claims 1 and 9 are more closely related to the language recited in the claim 17

preamble, which refers to “[a] Remote Monitoring (RMON) management system.” In other words, the preamble of each of claims 1, 9 and 17 involve management of an RMON system, such as that shown in Fig. 22 of the present application. In the specific example of Figs. 23 and 24, an RMON interface system 2310 of a market performance management system 430 requests and receives information from (i.e., *manages*) the various components of an RMON system, such as an RMON probe 2210, a NetScout Manager 2220, and an RMON database 2230. As a result, the limitations of each of claims 1, 9 and 17 are relevant to the preambles thereof. Thus, the Assignee contends claims 1, 9 and 17 particularly point out and distinctly claim the subject matter indicated in the corresponding preamble, and such indication is respectfully requested.

Therefore, the Assignee respectfully requests withdrawal of the 35 U.S.C. § 112, second paragraph, rejection of claims 1, 9 and 17.

#### Claim Rejection Under 35 U.S.C. § 103

Claims 1-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,697,871 to Hansen (hereinafter “Hansen”) in view of William Stallings, *SNMP, SNMPv2, SNMPv3, and RMON 1 and 2*, 3<sup>rd</sup> ed., 1999, Addison-Wesley, pages 209-215 (hereinafter “Stallings”). (Page 5 of the Office action.) The Assignee respectfully traverses the rejection in view of the following discussion.

As verified in the Office action in its Response to Arguments, the rejection is based at least in part upon equating the Hansen network analyzing agent 214 of Fig. 2 with the RMON probe referred to in claim 1, the remote distributed-network analyzing console 204 with the RMON manager and the RMON database referred to in claim 1, and the distributed-network analyzing console 202 with the RMON management system claimed in claim 1. (Page 2 of the Office action.)

However, the Office action further indicates that Hansen does not expressly disclose the RMON management system performing the actual generating and transmitting of instructions for requesting information, or the receiving and storing of that information, from each of an RMON probe, RMON manager, and RMON database, as provided for in claims 1, 9 and 17. (Page 7 of the Office action.) Instead, the Office action alleges that Stallings, specifically at page 214, teaches these limitations. (Pages 8-10 of the Office action.)

The Assignee respectfully disagrees with the allegation. The cited section of Stallings

discusses specifically how “*an RMON probe* may be subject to management *from multiple management stations.*” (First paragraph of page 214; emphasis supplied.) Stallings then discusses how conflicts between the management stations occurring as a result of concurrent access to the RMON probe may be avoided by cooperative use of an “ownership label” associated with each RMON function designated in a row of a control table in the RMON Management Information Base (MIB). (Id.)

In other words, Stallings discusses how *multiple management stations* can successfully access *a single RMON probe*. However, neither this nor any other part of Stallings teaches or suggests a single RMON management system generating and transmitting instructions requesting a portion of RMON information from each of an RMON probe, and RMON manager, and a RMON database, and then receiving those portions of information from the RMON probe, manager, and database for storage. In other words, the method described in Stallings (i.e., multiple management stations accessing a single RMON probe) is quite *opposite* to that described in claims 1, 9 and 17 (i.e., a single RMON management system requesting and receiving data from each of three different components of an RMON system: an RMON probe, an RMON manager, and an RMON database).

Thus, based on the foregoing, the Assignee contends claims 1, 9 and 17 are allowable in view of any combination of Hansen and Stallings, and such indication is respectfully requested.

In addition, claims 2-8 depend from independent claim 1, claims 10-16 depend from independent claim 9, and claims 18-24 depend from independent claim 17, and thus incorporate the limitations of their corresponding independent claims. Thus, the Assignee asserts that claims 1-24 are allowable for at least the reasons given above in support of independent claims 1, 9 and 17, and such indication is respectfully requested.

Therefore, in view of the foregoing discussion, the Assignee respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-24.

### Conclusion

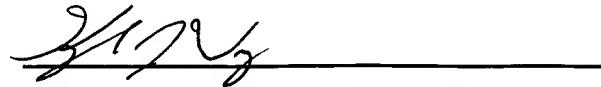
Based on the above remarks, the Assignee submits that claims 1-24 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee thus respectfully requests allowance of claims 1-24.

The Assignee believes no additional fees are due with respect to this filing. However,

should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date: 7/13/06



**SIGNATURE OF PRACTITIONER**

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